



**ZONING COMMISSION  
ZONING MEETING**

**AMENDMENTS TO THE AGENDA  
APRIL 3, 2014**

<b><u>AGENDA</u></b>			
<b><u>ITEM #</u></b>	<b><u>PAGE #</u></b>	<b><u>APPLICATION AND CONTROL #S</u></b>	<b><u>APPLICATION NAME</u></b>

**CONSENT AGENDA**

**AMENDMENTS AND ADDITIONS**

**D. ZONING APPLICATIONS – NEW**

- |    |     |                                            |                          |
|----|-----|--------------------------------------------|--------------------------|
| 1. | (6) | W/DOA/R-2013-01335<br>(Control 1973-00220) | Nassau Square-McDonald's |
|----|-----|--------------------------------------------|--------------------------|

**DELETE** Engineering Condition 2, [Reason: Stormwater management is a code requirement.]

**DELETE** Engineering Condition 4, [Reason: Impact Fees are a code requirement]

- |    |      |                                            |                          |
|----|------|--------------------------------------------|--------------------------|
| 2. | (36) | ABN/DOA-2013-02925<br>(Control 2003-00011) | Colony at Lake Worth PUD |
|----|------|--------------------------------------------|--------------------------|

**AMEND** Engineering Condition 7 to read as follows:

7. The Property Owner shall fund the construction plans and construction of Myers Road from Lantana Road to north of the entrance road to be consistent with Palm Beach County standards for a sixty (60) foot wide right of way local street, ~~all~~ or as approved by the County Engineer...

- |    |         |                                             |               |
|----|---------|---------------------------------------------|---------------|
| 3. | (65-66) | ZV/DOA/R-2013-03102<br>(Control 1989-00117) | Del Mar Plaza |
|----|---------|---------------------------------------------|---------------|

**AMEND** Architectural Review Condition 2 to read as follows:

2. The maximum height for the Fitness Center including air conditioning, mechanical equipment and satellite dishes shall not exceed ~~forty-five~~ fifty (50) feet. Heights shall be measured from finished grade to highest point of the structure excluding those portions of the structure addressed in Article 3.D.1.E Height Exemptions of the ULDC.
- a. the primary entrance for Building B shall be from the south or east elevation;
  - b. windows (other than glass block or other translucent material which allows a maximum sixty (60) percent of exterior light transmission according to the manufacturer's specifications) shall not be allowed to penetrate to any portion of the north or west elevation of Building B; and
  - c. all openings on the first floor (parking garage), excluding vehicular or pedestrian access, shall be covered with a decorative metal screen acceptable to the Zoning division. ...

**DELETE** Engineering Condition 2, [Reason: Stormwater management is a code requirement.]

**DELETE** Engineering Condition 3, [Reason: Impact Fees are a code requirement]

**DELETE** Engineering Condition 4

**AMEND** Engineering Condition 5 to read as follows:

- ~~5~~ 4. Prior to the issuance of a building permit, the The Property Owner shall abandon or release, and relocate if necessary...

4. (93-94) PDD-2013-02611 Marquez-Jones  
(Control 2005-00414)

**AMEND** Engineering Condition 1 to read as follows:

- 1.a No Building Permits for the site may be issued after December 31, ~~2017~~ 2018...

**REPLACE** Engineering Condition 2 to read as follows:

2. The Property Owner shall:

- i. Lengthen the existing left turn lane east approach on Hypoluxo Road at the Project entrance road. This turn lane shall be lengthened to a minimum 280 feet in length plus 50 foot paved taper or as approved by the County Engineer.
- ii. Construct separate left and right turn lanes south approach on the project driveway at Hypoluxo Road.  
This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
- a. Construction of these improvements shall be completed prior to issuance of the first Certificate of Occupancy.

**AMEND** Engineering Condition 3 to read as follows:

3. Property Owner shall construct a five foot concrete sidewalk from Hypoluxo Road south to south of the project entrance on Hypoluxo Farms Road, along the project frontage on Hypoluxo Farms Road between the project's north and south property lines, within...

**AMEND** Engineering Condition 4 to read as follows:

4. Prior to the issuance of the first Building Permit, the Property Owner shall provide to Palm Beach County Land Development Division a seven foot pathway easement. This easement shall be a continuous seven foot easement along the project's entire frontage on Hypoluxo Farms Road or as approved by the County Engineer and is to provide for ~~the required five foot concrete~~ a sidewalk along the project frontage on Hypoluxo Farms Road....

**ADD** Engineering Conditions 5 and 6 to read as follows:

5. The Property Owner shall fund the cost of signal installation, if warranted, as determined by the County Engineer, at Hypoluxo Road and Project Entrance. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation and right of way or easement acquisition.
- a. No Building Permits shall be issued until the Property Owner provides acceptable surety to the Traffic Division in an amount as determined by the Director of the Traffic Division.
  - b. In order to request release of the surety for the traffic signal at the above intersection, the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for this development and requesting that a signal warrant study be conducted at the intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the monies to construct the traffic signal or release the monies. In the event that the property is sold, the surety may be returned once the Traffic Division receives written documentation of the sale and a replacement surety has been provided to the Traffic Division by the new Property Owner.
6. Prior to issuance of the first building permit, the Property Owner shall abandon or release, and relocate if necessary, the existing utility easement in conflict with the proposed development. (BLDG PERMIT: MONITORING – Eng)

**AMEND ENVIRONMENTAL Condition 1 to read as follows:**

- 1. Incorporate existing native trees and under-story into the site plan and label them. If this cannot be accomplished, documentation describing why the trees cannot be incorporated shall be necessary. Tree surveys shall only include the native trees of 63 inches and greater. Labeling shall include the location of the native vegetation, tag number, species and Diameter at Breast height (DBH).

**REGULAR AGENDA**

- |    |       |                                                 |                    |
|----|-------|-------------------------------------------------|--------------------|
| 9. | (207) | ZV/W/TDD/DOA-2013-02609<br>(Control 2004-00616) | Delray Marketplace |
|----|-------|-------------------------------------------------|--------------------|

**DELETE** Engineering Condition 2, [Reason: no longer required]



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**ORDER OF BUSINESS  
ZONING COMMISSION  
PALM BEACH COUNTY, FLORIDA**

**THURSDAY APRIL 3, 2014**

**9:00 A.M.**

**Vista Center, Ken Rogers Hearing Room, VC-1W-47  
2300 N. Jog Road, West Palm Beach**

**CALL TO ORDER**

- A. Roll Call
- B. Opening Prayer and Pledge of Allegiance
- C. Remarks of the Chair
- D. Proof of Publication
- E. Adoption of the Minutes
- F. Swearing In
- G. Disclosures

**POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA**

**CONSENT AGENDA**

**REGULAR AGENDA**

**COMMENTS**

**ADJOURNMENT**

Web address: [www.pbcgov.com/pzb/](http://www.pbcgov.com/pzb/)

*Disclaimer: Agenda subject to changes at or prior to the public hearing.*



**AGENDA**  
**PALM BEACH COUNTY ZONING COMMISSION**

**APRIL 3, 2014**

**CALL TO ORDER**

- A. Roll Call - 9:00 A.M.
- B. Opening Prayer, Pledge of Allegiance and Quasi-Judicial Notice
- C. Remarks of the Chair:

The Zoning Commission of Palm Beach County has convened at 9:00 A.M. in the Vista Center, Ken Rogers Hearing Room, VC-1W-47, 2300 N. Jog Road, West Palm Beach, FL, to consider applications for Official Zoning Map Amendments, Planned Developments, Conditional Uses, Development Order Amendments, Type II Variances and other actions permitted by the Palm Beach County Unified Land Development Code and to hear the recommendations of staff on these matters. The Commission may take final action or issue an advisory recommendation on accepting, rejecting or modifying the recommendations of staff. The Board of County Commissioners of Palm Beach County will conduct a public hearing at 301 N. Olive Avenue, West Palm Beach, FL, in the Jane M. Thompson Memorial Chambers, 6th Floor, at 9:30 A.M. on Thursday, April 24, 2014 to take final action on the applications listed below.

**NOTICE**

Zoning hearings are quasi-judicial and must be conducted to afford all parties due process.

This means that any communication with commissioners, which occurs outside of the public hearing, must be fully disclosed at the hearing. In addition, anyone who wishes to speak at the hearing will be sworn in and may be subject to cross-examination.

In this regard, if any group of citizens or other interested parties wish to cross-examine witnesses, they must appoint one representative from the entire group to exercise this right on behalf of the group. Any person representing a group or organization must provide written authorization to speak on behalf of the group. Persons wishing to cross-examine witnesses must reserve that right at the beginning of their presentation.

Public comment is encouraged and all relevant information should be presented to the commission in order that a fair and appropriate decision can be made.

- D. Proof of Publication - Motion to receive and file.
- E. [Adoption of the Minutes](#)
- F. Swearing In - County Attorney
- G. Disclosures

**POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA**

**A. POSTPONEMENTS**

**B. REMANDS**

**C. WITHDRAWALS**

**END OF POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA**

CONSENT AGENDA

- A. REQUESTS TO PULL ITEMS FROM CONSENT
- B. STATUS REPORTS
- C. PREVIOUSLY POSTPONED ZONING APPLICATIONS
- D. ZONING APPLICATIONS - NEW

- 1. [W/DOA/R-2013-01335](#) Title: a Development Order Amendment application of McDonalds USA, LLC by Land Design South Inc., Agent. Request: to reconfigure the Site Plan; add square footage; and, add a Requested Use.  
Title: a Requested Use application of McDonalds USA, LLC by Land Design South Inc., Agent. Request: to allow a Type I Restaurant with drive-through lanes.  
General Location: Northwest corner of Nassau Road and Lake Worth Road.  
**(Nassau Square - McDonald's)** (Control 1973-00220)

Pages 1 - 26  
Conditions of Approval Pages (6 - 8)  
Project Manager: Joyce Lawrence  
Size: 20.28 acres  $\pm$  BCC District: 2  
Staff Recommendation: Staff recommends approval of the requests subject to 21 Conditions of Approval as indicated in Exhibit C.

**MOTION:** To recommend approval of a Development Order Amendment to reconfigure the Site Plan; add square footage; and add a Requested Use subject to the Conditions of Approval as indicated in Exhibit C.  
**MOTION:** To recommend approval of a Requested Use to allow a Type I Restaurant with drive-through lanes.

2. **ABN/DOA-2013-02925** Title: a Development Order Abandonment application of Colony At Lake Worth, LLC by Land Design South Inc., Agent. Request: to abandon the Transfer of Development Rights (TDR) approved under R-2008-1708 for the purchase of 23 additional TDR units.

Title: a Development Order Amendment application of Colony At Lake Worth, LLC by Land Design South Inc., Agent. Request: to reconfigure the Master Plan; re-designate units from Multi-family to Townhomes; to reduce the number of overall units from 221 to 191; and to modify/delete Conditions of Approval (Landscape, Planned Unit Development, Planning) in Resolution R-2011-0569.

General Location: Northwest corner of Lantana Road and Myers Road (52nd Drive South). **(Colony at Lake Worth PUD)** (Control 2003-00011)

Pages 27 - 56

Conditions of Approval Pages (34 - 44)

Project Manager: Joyce Lawrence

Size: 22.29 acres  $\pm$

BCC District: 2

Staff Recommendation: Staff recommends approval of the requests subject to 45 Conditions of Approval as indicated in Exhibit C.

**MOTION:** To recommend approval of the Development Order Abandonment to abandon the Transfer of Development Rights (TDR) approved under R-2008-1708 for the purchase of 23 additional TDR units.

**MOTION:** To recommend approval of the Development Order Amendment to reconfigure the Master Plan; re-designate units from Multi-family to Townhomes; to reduce the number of overall units from 221 to 191; and to modify/delete Conditions of Approval (Landscape, Planned Unit Development, Planning) in Resolution R-2011-0569 subject to the Conditions of Approval as indicated in Exhibit C.



3. **ZV/DOA/R-2013-03102** Title: a Type II Variance Concurrent application of Fr Del Mar Village LLC by Wantman Group Inc, Agent. Request: to allow hours of operation for a Fitness Center to commence at 5:00 a.m.; a reduction in the Right-of-Way (ROW) Buffer along Palmetto Park Circle; and, 100 percent easement overlap for a portion of the Right-of-Way buffer along Palmetto Circle North
- Title: a Development Order Amendment application of Fr Del Mar Village LLC by Wantman Group Inc, Agent. Request: to modify the site plan and add a Requested Use.
- Title: a Requested Use application of Fr Del Mar Village LLC by Wantman Group Inc, Agent. Request: to allow a Fitness Center.
- General Location: Northwest of intersection of Powerline Road and West Palmetto Park Road. **(Del Mar Plaza)** (Control 1989-00117)

Pages 57 - 87

Conditions of Approval Pages (64 - 67)

Project Manager: David McGuire

Size: 13.26 acres  $\pm$

BCC District: 4

(affected area 2.00 acres  $\pm$ )

Staff Recommendation: Staff recommends approval of the requests subject to 6 Conditions of Approval as indicated in Exhibit C-1 and 20 Conditions of Approval as indicated in Exhibit C-2.

**MOTION:** To adopt a resolution approving a Type II Variance to allow hours of operation for a Fitness Center to commence at 5:00 a.m.; a reduction in the Right-of-Way (ROW) Buffer along Palmetto Park Circle; and, 100 percent easement overlap for a portion of the ROW buffer along Palmetto Circle North subject to the Conditions of Approval as indicated in Exhibit C-1.

**MOTION:** To recommend approval of a Development Order Amendment to modify the site plan; and, to add a Requested Use subject to the Conditions of Approval as indicated in Exhibit C-2.

**MOTION:** To recommend approval of a Requested Use to allow a Fitness Center.

4. **PDD-2013-02611** Title: an Official Zoning Map Amendment to a Planned Development District application of Fea Ministries Inc, OB Real Estate Holdings 1645 LLC, Witt Investments Inc, MM Lake Worth LLC by Urban Design Kilday Studios, Agent. Request: to allow rezoning from the Agriculture Residential (AR) and the Residential Transitional (RT) Zoning Districts to the Planned Unit Development (PUD) Zoning District.

General Location: Located on the Southwest corner of Hypoluxo Road and Hypoluxo Farms Road. **(Marquez-Jones)** (Control 2005-00414)

Pages 88 - 127

Conditions of Approval Pages (93 - 95)

Project Manager: Roger Ramdeen

Size: 57.19 acres  $\pm$

BCC District: 3

Staff Recommendation: Staff recommends approval of the request subject to 12 Conditions of Approval as indicated in Exhibit C.

**MOTION:** To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Agriculture Residential (AR) and the Residential Transitional (RT) Zoning Districts to the Planned Unit Development (PUD) Zoning District subject to the Conditions of Approval as indicated in Exhibit C.

E. CORRECTIVE RESOLUTIONS

5. **CRZ-2014-00344** Title: a Corrective Resolution application of Westcap Corp Of Delaware, Palm Beach County by PLACE Planning & Design, Agent. Request: to correct the legal description contained within Resolution ZR-2014-002, Application ZV/DOA-2013-02365.

General Location: Located on the north side of Belvedere Road, approximately half a mile east of Congress Avenue. (National/Alamo Rent-A-Car) (Control 1988-00088)

Pages 128 - 130

Project Manager: Roger Ramdeen

Size: 19.96 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the request.

**MOTION:** To adopt a resolution correcting the legal description contained within Resolution ZR-2014-002, Application ZV/DOA-2013-02365.

F. SUBDIVISION VARIANCE

6. **SD-142** Title: A Subdivision Variance application of Okee Property West, LLC by Robert Deziel, Agent. Request: to allow a reduction in the required side slopes for a dry detention/retention facility.

General Location: South side of Okeechobee Boulevard, east of Church Street and west of Florida Mango Road. (Okee Property West, LLC) (Control 1988-00029)

Pages 131 - 132

Conditions of Approval Pages (131 - 131)

Project Manager: Joanne M. Keller

Size: 2.43 acres +

BCC District: 2

Staff Recommendation: Staff recommends approval of the requests subject to 2 Conditions of Approval as indicated in Exhibit C.

Pages 131 - 132

**MOTION:** To adopt a resolution approving a Subdivision Variance to allow a reduction in the required side slopes for a dry detention/retention facility subject to the Conditions of Approval as indicated in Exhibit C.

END OF CONSENT AGENDA

REGULAR AGENDA

- A. ITEMS PULLED FROM CONSENT
- B. STATUS REPORTS
- C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

7. [ZV/DOA/R-2013-02595](#) Title: a Type II Variance application of Shoppes on 18 Street, Inc by Perry & Taylor PA, Agent. Request: to allow a business activity until 2:00 a.m. within 300 feet of a residential unit; a reduction in the landscape buffer width and plant materials; and, elimination of the required wall.  
Title: a Development Order Amendment application of Shoppes on 18 Street, Inc by Perry & Taylor PA, Agent. Request: to modify the Site Plan; and, to add a Requested Use.  
Title: a Requested Use application of Shoppes on 18 Street, Inc by Perry & Taylor PA, Agent. Request: to allow a Cocktail Lounge within 300 feet of a Residential District.  
General Location: Approximately 0.5 miles west of Military Trail on the south side of SW 18th Street. (**Shoppes at Village Pointe**) (Control 1984-00152)

Pages 133 - 167  
Conditions of Approval Pages (142 - 146)  
Project Manager: Joyce Lawrence  
Size: 7.00 acres ± BCC District: 4

Staff Recommendation: Staff recommends denial of the Type II Variance to allow a business activity until 2:00 a.m. within 300 feet of a residential unit (V1), and approval of the requests to reduce the landscape buffer width and plant materials and eliminate the wall (V2 and V3) subject to 6 Conditions of Approval as indicated in Exhibit C-1; and, approval of the Development Order Amendment and Requested Use subject to 24 Conditions of Approval as indicated in Exhibit C-3.

**MOTION:** To adopt a resolution denying a Type II Variance to allow a business activity until 2:00 a.m. within 300 feet of a residential unit (V1).

**MOTION:** To adopt a resolution approving a Type II Variance to reduce the landscape buffer width and plant materials and eliminate the wall (V2 and V3) subject to the Conditions of Approval as indicated in Exhibit C-1.

**MOTION:** To recommend approval of the Development Order Amendment to modify the Site Plan; and, to add a Requested Use subject to the Conditions of Approval as indicated in Exhibit C-3.

**MOTION:** To recommend approval of a Requested Use to allow a Cocktail Lounge within 300 feet of a Residential District.

8. **ZV-2013-01622** Title: a Type II Variance application of F G H Inc by Jon E Schmidt & Associates, Agent. Request: to allow a reduction in the rear setback, the number of off-street parking spaces, the number of queuing spaces, the minimum width for one way drive aisles, and the Right-of-Way (ROW) buffer widths along Alternate A1A and Florida Boulevard.

General Location: Southeast corner of Alternate A1A and Florida Boulevard. **(Thomas Colony Shell)** (Control 1988-00100)

Pages 168 - 192

Conditions of Approval Pages (174 - 174)

Project Manager: Roger Ramdeen

Size: 0.69 acres  $\pm$

BCC District: 1

Staff Recommendation: Staff recommends denial of the request for Type II Variances (V1 and V2) to reduce the rear setback and the number of off-street parking spaces, and approval of the Type II Variances (V3, V4, V5 and V6) to reduce the number of queuing spaces, the minimum width for one way drive aisles, and the Right-of -Way (ROW) buffer widths along Alternate A1A and Florida Boulevard, subject to the 7 Conditions of Approval as indicated in Exhibit C.

**MOTION:** To adopt a resolution denying the Type II Variances (V1 and V2) to reduce the rear setback and the number of off-street parking spaces.

MOTION: To adopt a resolution approving the Type II Variances (V3, V4, V5 and V6) to reduce the number of queuing spaces, the minimum width for one way drive aisles, and the Right-of -Way (ROW) buffer widths along Alternate A1A and Florida Boulevard, subject to the Conditions of Approval as indicated in Exhibit C.

9. [ZV/W/TDD/DOA-2013-02609](#) Title: a Type II Variance application of KRG Atlantic Delray Beach, LLC by Urban Design Kilday Studios, Agent. Request: to allow an increase in the maximum number of parking spaces; and, a decrease in the minimum dimensions for a plaza.  
Title: a Type II Waiver application of KRG Atlantic Delray Beach, LLC by Urban Design Kilday Studios, Agent. Request: to allow a Waiver of the requirement for structured parking in the Agricultural Reserve Tier.  
Title: a Traditional Development District application of KRG Atlantic Delray Beach, LLC by Urban Design Kilday Studios, Agent. Request: to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Traditional Marketplace Development (TMD) Zoning District.  
Title: a Development Order Amendment application of KRG Atlantic Delray Beach, LLC by Urban Design Kilday Studios, Agent. Request: to reconfigure the site plan and add land area.  
General Location: Northwest corner of West Atlantic Avenue and Lyons Road. **(Delray Marketplace)** (Control 2004-00616)

Pages 193 - 267  
Conditions of Approval Pages (204 - 220)  
Project Manager: Carol Glasser  
Size: 97.66 acres ± BCC District: 5  
Staff Recommendation: Staff recommends approval of requests subject to 6 Conditions of Approval as indicated in Exhibit C-1; and, 83 Conditions of Approval as indicated in Exhibit C-2.

**MOTION:** To adopt a resolution approving a Type II Variance to allow an increase in the maximum number of parking spaces; and, a decrease in the minimum dimension for a plaza subject to the Conditions of Approval in Exhibit C-1.  
**MOTION:** To recommend approval of a Type II Waiver to allow a waiver of the requirement for structured parking in the Agricultural Reserve Tier.  
**MOTION:** To recommend approval of an Official Zoning Map amendment to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Traditional Marketplace Development (TMD) Zoning District.  
**MOTION:** To recommend approval of a Development Order Amendment to reconfigure the site plan and add land area subject to the Conditions of Approval as indicated in Exhibit C-2.

- D. **ZONING APPLICATIONS - NEW**
- E. **SUBDIVISION VARIANCE**
- F. **OTHER ITEMS**

**END OF REGULAR AGENDA**

- COMMENTS**
- A. **COUNTY ATTORNEY**

**B. ZONING DIRECTOR**

10. [Zoning Commission Workshop](#)

Pages 268 - 332

**MOTION:**

**C. EXECUTIVE DIRECTOR**

**D. COMMISSIONERS**

**ADJOURNMENT**